

III. REMARKS

In the "Response to Arguments" section p.2 of the Final Rejection, the Examiner states that applicants are arguing that "data about the encryption key" and "information about the encryption key" are different. This is not so since the same feature was meant by both terms. To clarify matters, the claims have been amended to just recite "data".

Claims 1-5, 8-13, 16 and 18-21 are not unpatentable under 35 U.S.C. 102(b) as being anticipated by Dent.

All of the independent claims recite a set of encryption keys, one of which is selected for use at the access point (claims 1, 9 and 21) or network element (claim 19). Thus, a set of keys is used at one location. To solve the synchronization problem of which one of the set of keys is currently being used, the claimed invention features "...transmitting...data about the encryption key selected at the time..." (all independent claims).

In contradistinction, Dent shows in Fig. 4, and discloses in Col. 13, line 31, "...a secret key 215". Thus, there is no disclosure of the presently claimed set of keys. Of course, with only one key the problem of synchronizing a set of such keys does not even arise in Dent. The Examiner has cited Col. 5, lines 51-57, as disclosing "keys in the form of a key stream". However, the word "stream" merely means that a key comprises a plurality of bits not that there are plurality of keys at one location, e.g., access point or network element. Although Dent discloses a "second" bit stream in Col. 5, lines 64-65, this is generated at the mobile station, while the first key is generated at the base stations (Col. 5, Lines 54-55). Thus, the two streams are at different locations. Further, since both keys are designated as "215" in Fig. 4, even these "two" keys are only one and the same key. Hence, there is no selecting one key from a set of keys at the access point or network element as presently claimed.

Independent Claim 1 also recites "...transmitting...data about the encryption key selected at the time over a broadcast control channel..."

wherein in connection with the handover, said data is transmitted over said broadcast control channel..."

The remaining independent claims have similar limitations.

Thus, as shown in Fig. 4, normally data (NS) about the selected key is periodically transmitted over a broadcast control channel. However, after a handover (HO) additional data (YS) is transmitted over said, i.e., the same broadcast control channel. As the Examiner admits on p. 3, line 20, to p.4, line 1, in the Final Rejection, Dent discloses low and high data rate channels. Specifically, Col. 6, lines 8-9, discloses that sync information is normally sent on a low data rate channel, while Col. 6, lines 14-19, discloses that during handoff, sync information is sent on high data rate channel.

It is respectfully submitted that the only reasonable reading of this disclosure is these are two channels and not the presently claimed "...said...channel...". Also, the disclosure of Dent does not make the missing same channel feature inherent. The requirements for inherency are that the inherent subject matter "...is necessarily present...and that it would be so recognized by persons of ordinary skill", see *Continental Can Co. USA Inc. v. Monsanto Co.*, 20 USPQ2d 1746, 1749. Here, the missing same (one) channel feature is not necessarily present in Dent since Dent is operational with the disclosed two channels.

Since the above-discussed and claimed features are not disclosed in Dent, the rejection of claims 1-5, 8-13, 16 and 18-21 under U.S.C. 102 on Dent should be withdrawn.

Further, since the problem of synchronization of a set of keys does not even arise in Dent, these claims are unobvious over it, see MPEP, Rev. 6, September 2007, 2143.01, pages 2100-139, right Col., first full paragraph.

Claims 6 and 14 are not unpatentable under 35 U.S.C 103(a) over Dent in view of Kojima.

Since the above-discussed and claimed features are not in Kojima, which merely discloses that the mobile station can request handoff to both the old and the new base station, combining it with Dent does not result in the claimed invention. Thus, the rejection of claims 6 and 14 under 35 U.S.C. 103 on Dent in view of Kojima should be withdrawn.

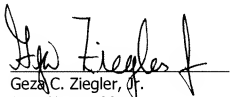
Claims 7 and 15 are not unpatentable under 35 U.S.C. 103(a) over Dent in view of Gilhausen.

Gilhausen teaches that the mobile station can detect the need for handover and find the cell with the strongest signal. Therefore, the mobile station can request handoff to that cell. Gilhausen also fails to disclose the above-discussed and claimed features. Thus, combining it with Dent does not result in the claimed invention. Thus, the rejection of claims 7 and 15 under 35 U.S.C. 103 on Dent in view of Gilhausen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested, or at least entry for appeal purposes since the claims are in better form for an appeal. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$1270 for an RCE and a two-month extension of time as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

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Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512